

Trump Alioto Trump & Prescott

ATTORNEYS LLP
2280 Union Street
San Francisco, California 94123
(415) 563-7200
FAX (415) 346-0679

April 27, 2018

VIA ECF

Honorable Jon S. Tigar
United States District Court
Northern District of California
Courtroom 9, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

**Re: *In Re: Cathode Ray Tubes (CRT) Antitrust Litigation*, MDL 1917
Master File No. 07-cv-5944-JST**

Dear Judge Tigar:

I write regarding the Indirect Purchaser Plaintiffs' motion for preliminary approval of their settlement with Defendant Mitsubishi Electric Corporation (ECF No. 5245), currently under submission. IPPs' motion requests, among other things, that the Court grant preliminary approval of their proposed plan of distribution (the "Proposed Plan"). *Id.* at 25-30.

On April 10, 2018, the Ninth Circuit Court of Appeals heard oral argument on objections to the prior settlements and the allocation of the settlement proceeds. The Court focused its inquiry on several objectors' claim that certain so-called "repealer" state claims were released without compensation. At the suggestion of the Ninth Circuit panel, Class Counsel is working to address this issue through mediation.

The Ninth Circuit's concern does not apply to the Mitsubishi Electric settlement or the Proposed Plan.¹ However, the Proposed Plan for the Mitsubishi Electric settlement is tied in certain respects to the prior settlements. *See, e.g., id.* at 26-29. For example, the Proposed Plan provides for varying levels of recovery depending on whether and to what extent claimants recovered in the prior settlements. *Id.* Any variances in the prior settlements or prior plan of distribution may affect the Proposed Plan and the notice to class members.

¹ The proposed Mitsubishi Electric Settlement releases only the claims of the 30 states and the District of Columbia included in the Settlement Class (*id.* at 5-7), and class members from all of those states can file damages claims. Thus, there is no question of claims being released without compensation.

Thus, IPPs respectfully request that the Court defer ruling on the pending motion for preliminary approval for 45 days to see if the issues can be resolved through mediation among the parties and what impact, if any, a mediated resolution may have on the Proposed Plan for the Mitsubishi Electric settlement.

I am available to discuss these issues further with Your Honor.

Respectfully submitted,

/s/ Mario N. Alioto

Mario N. Alioto

Lead Counsel for the Indirect Purchaser
Class

cc: All Counsel of Record (via ECF)